

3732



PATENT
ATTORNEY DOCKET NO.: 056090-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Seung-Choul YANG, et al.)	Confirmation No.: 5055
)	
Application No.: 10/043,178)	Group Art Unit: 3732
)	
Filed: January 14, 2002)	Examiner: A. Ramana
)	
For: SURGICAL INSTRUMENTS AND)	
METHOD FOR CREATING)	
ANATOMIC WORKING SPACE IN)	
MINILAPAROTOMY PROCEDURE)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Sir:

**RESPONSE TO ELECTION/RESTRICTION
REQUIREMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Election/Restriction Requirement responding to the Office Action mailed August 27, 2003.
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: **\$0.00**

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	33	minus	33	0	x \$18 each =	+ \$
Independent Claims (37 C.F.R. §1.16(b))	5	minus	5	0	x \$84 each =	+ \$
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						\$
TOTAL FEE =						\$

6. Fee Payment

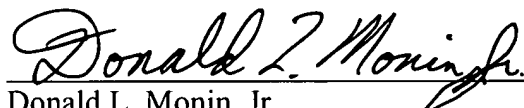
- ☒ No fee is to be paid at this time.
- ☐ Deposit Account No. 50-0310 may be charged the total amount of **\$0.00** for the small entity three month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 29, 2003

By:


 Donald L. Monin, Jr.
 Reg. No. 47,256

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement dated August 27, 2003, the period for reply to which extends through September 27, 2003, Applicants provisionally elect Group I without traverse.

REMARKS

The Examiner has made a restriction requirement necessitating election between the following groups of claims:

Group I: Claims 1-23 and 34 drawn to a method of using retractors and claims 24-31 drawn to retractors;